

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CITY OF DEARBORN HEIGHTS ACT 345
POLICE & FIRE RETIREMENT SYSTEM,
Individually and On Behalf of All Others
Similarly Situated,

Plaintiff,

v.

CHICAGO BRIDGE & IRON COMPANY,
N.V., PHILIP K. ASHERMAN, RONALD A.
BALLSCHMIEDE and WESTLEY S.
STOCKTON,

Defendants.

THOMAS HUBBELL, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

CHICAGO BRIDGE & IRON COMPANY,
N.V., PHILIP K. ASHERMAN, RONALD A.
BALLSCHMIEDE and WESTLEY S.
STOCKTON,

Defendants.

**MOTION OF BLUESKY CAPITAL PARTNERS LLC TO CONSOLIDATE RELATED
ACTIONS; TO BE APPOINTED LEAD PLAINTIFF;
AND TO APPROVE PROPOSED LEAD PLAINTIFF’S CHOICE OF COUNSEL**

BlueSky Capital Partners LLC (“Movant” or “BlueSky Capital”) respectfully moves this Court for an order: (1) consolidating the above-captioned related actions (the “Actions”) pursuant to Fed. R. Civ. P. 42(a); (2) appointing Movant as Lead Plaintiff in these Actions pursuant to the Private Securities Litigation Reform Act of 1995 (“PSLRA”), 15 U.S.C. §78u-

4(a)(3)(B); and (3) approving its selection of the law firm of Brower Piven, A Professional Corporation (“Brower Piven”) as Lead Counsel for the Class.¹

BlueSky Capital makes this Motion on the belief that it is the most “adequate plaintiff” as defined in the PSLRA because: (1) it possesses the largest financial interest in the relief sought by the Class as a result of its transactions in Chicago Bridge & Iron Company N.V. (“CB&I” or the “Company”) common stock during the Class Period, and (2) it satisfies the typicality and adequacy requirements of Fed. R. Civ. P. 23.

BlueSky Capital further requests that the Court approve its selection of Brower Piven as Lead Counsel for the Class. Brower Piven has actively investigated the allegations raised against Defendants. Further, Brower Piven is a nationally-recognized law firm with significant class action, fraud, and complex litigation experience, with the resources to effectively and properly pursue these Actions.

The facts and law supporting this Motion are fully set forth in the accompanying Memorandum In Support Of The Motion Of BlueSky Capital Partners LLC To Consolidate Related Actions; To Be Appointed Lead Plaintiff; And To Approve Proposed Lead Plaintiff’s Choice Of Counsel (the “Memorandum”) and the Declaration of Daniel Kuznicki In Support Of The Motion Of BlueSky Capital Partners LLC To Consolidate Related Actions; To Be Appointed Lead Plaintiff; And To Approve Proposed Lead Plaintiff’s Choice Of Counsel (“Kuznicki Declaration”).

WHEREFORE, for all of the reasons set forth herein and in the Memorandum and the

¹ Because of, *inter alia*, the PSLRA’s lead plaintiff procedure, which requires the District Court’s determination of “the most adequate plaintiff” in connection with the appointment of a lead plaintiff, and the as-yet unknown identities of the competing lead plaintiff movants, BlueSky Capital could not participate in any procedures related to a pre-motion conference.

Kuznicki Declaration, submitted herewith, BlueSky Capital respectfully requests that this Court: (1) consolidate the related Actions; (2) appoint Movant as Lead Plaintiff; (3) approve Movant's selection of Lead Counsel for the Class; and (4) grant such other and further relief as the Court may deem just and proper.

Dated: May 1, 2017

BROWER PIVEN

A Professional Corporation

/s/ Daniel Kuznicki

Daniel Kuznicki

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*Counsel for BlueSky Capital and Proposed Lead
Counsel for the Class*

CERTIFICATE OF SERVICE

I hereby certify that the Motion Of BlueSky Capital Partners LLC To Consolidate Related Actions; To Be Appointed Lead Plaintiff; And To Approve Proposed Lead Plaintiff's Choice Of Counsel with the Memorandum In Support Of The Motion Of BlueSky Capital Partners LLC To Consolidate Related Actions; To Be Appointed Lead Plaintiff; And To Approve Proposed Lead Plaintiff's Choice Of Counsel, and the Declaration of Daniel Kuznicki In Support Of The Motion Of BlueSky Capital Partners LLC To Consolidate Related Actions; To Be Appointed Lead Plaintiff; And To Approve Proposed Lead Plaintiff's Choice Of Counsel (with Exhibits A-D) were filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants on May 1, 2017.

/s/ Daniel Kuznicki

Daniel Kuznicki